

FILED

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SEP 16 2005

UNITED STATES COURT OF APPEALS

CATHY A. GATTERSON, CLERK
U.S. COURT OF APPEALS
NINTH
District Court

FOR THE NINTH CIRCUIT

OCT 19 2005

UNITED STATES OF AMERICA,

No. 03-10454

Plaintiff - Appellee,

D.C. No. CR-02-00027-ARM

v.

MEMORANDUM*

RICARDO S. ATALIG,

Defendant - Appellant.

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Appeal from the United States District Court
for the District of the Northern Mariana Islands
Alex R. Munson, Chief Judge, Presiding

Submitted September 12, 2005 **

Before: REINHARDT, RYMER, and HAWKINS, Circuit Judges.

Ricardo S. Atalig appeals the sentence imposed following his conviction for conspiracy to commit wire fraud, in violation of 18 U.S.C. §§ 371, 1343 and 1346.

We have jurisdiction under 28 U.S.C. § 1291.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

REMANDED.

